

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY QUALLS,  
individually, on behalf of himself and  
others similarly situated,

Plaintiff,

v.

ULTA BEAUTY, INC.,

Defendant.

Case No. 1:23-cv-01121-NODJ-HBK<sup>1</sup>

ORDER GRANTING PARTIES'  
JOINT MOTION TO CONTINUE STAY  
ACTION

(Doc. No. 13)

CLERK TO LIFT STAY ON  
MARCH 12, 2024

This matter comes before the Court upon the Parties' second joint stipulated motion filed December 8, 2023. (Doc. No. 13). The Parties request the Court to continue the stay of this action, including the initial scheduling conference and related deadlines pending a preliminary approval of the class-wide settlement in *NangChan v. Ulta Inc., et al.*, Case No. 2:23-cv-00650-AB-PLA ("*Chan*"), a related action pending in the United States District Court for the Central District of California. (*Id.* at 3). The Parties advise that the resolution of *Chan* may moot Plaintiff's claims asserted in this action." (*Id.*).

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<sup>1</sup> On December 4, 2023, this case was temporarily reassigned to the No District Court Judge ("NODJ") docket until a new district judge is appointed due to the elevation of Judge Ana I. de Alba to the Ninth Circuit Court of Appeals. (Doc. No. 12). Absent consent by all parties (Doc. No. 3-2), this matter will remain on the NODJ docket until a new district judge is appointed.

1 The court is vested with broad discretion to stay a case. *Clinton v. Jones*, 520 U.S. 681,  
2 705 (1997) (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). The “party  
3 requesting a stay bears the burden of showing that the circumstances justify an exercise of that  
4 discretion.” *Nken v. Holder*, 556 U.S. 418, 433-34 (2009). As a rule, “stays should not be  
5 indefinite in nature.” *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059,  
6 1066-67 (9th Cir. 2007). The Court finds in its discretion that a continued stay of this action is  
7 appropriate.

8 Accordingly, it is **ORDERED**:

- 9 1. The Parties’ second joint stipulated motion (Doc. No. 13) is GRANTED to the extent  
10 that this action is STAYED until March 11, 2024. ***The Clerk shall automatically lift***  
11 ***the STAY on March 12, 2024.***
- 12 2. Within fourteen (14) days after the preliminary approval motion is filed in *Chan*,  
13 the Parties shall file a joint report notifying the Court whether the *Chan*  
14 settlement resolved the need for litigation of the claims in this action.
- 15 3. If the *Chan* mediation resolves Plaintiff’s claims in this action, Plaintiff shall promptly  
16 file a Rule 41 notice.
- 17 4. If the *Chan* settlement does not resolve Plaintiff’s claims in this action, Defendant’s  
18 time within which to answer or otherwise serve and file any motions or other  
19 pleadings responsive to Plaintiff’s Complaint shall be extended to **April 1, 2024**.
- 20 5. The February 15, 2024 Scheduling Conference is CONTINUED to **May 16, 2024**  
21 **at 2:00 p.m.** The Parties shall file their Joint Scheduling Report no later than **May 9,**  
22 **2024.**

23  
24 Dated: December 11, 2023

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE